

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JENNIFER E. HARRIS,

Plaintiff,

v.

MAUREEN T. PORTLAND,
TIMOTHY M. CURLEY, and
THE PENNSYLVANIA STATE
UNIVERSITY,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

Case No. 1:05-CV-2648

Judge Conner

Complaint filed: 12/21/05

Electronically Filed

MOTION TO DISMISS
BY DEFENDANTS TIMOTHY M. CURLEY and
THE PENNSYLVANIA STATE UNIVERSITY

Defendants, Timothy M. Curley and The Pennsylvania State University, by
and through their attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., hereby
move this Court to dismiss the Complaint filed against them by Plaintiff, Jennifer

E. Harris, pursuant to Fed. R. Civ. P. 12(b)(1) and (6). A Memorandum of Law in Support of this Motion to Dismiss will be timely filed in accordance with L.R. 7.5.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: January 26, 2006

By: s/James M. Horne
James M. Horne, Esquire
Pa. I.D. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendants
Penn State and Timothy Curley

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JENNIFER E. HARRIS,

Plaintiff,

V.

MAUREEN T. PORTLAND,
TIMOTHY M. CURLEY, and
THE PENNSYLVANIA STATE
UNIVERSITY,

Defendants.

Case No. 1:05-CV-2648

Judge Conner

Complaint filed: 12/21/05

Electronically Filed

ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of the Motion to Dismiss filed by Defendants, Timothy M. Curley and The Pennsylvania State University, Plaintiff Jennifer E. Harris' response to that Motion, and the briefs filed by all parties, it is hereby ORDERED that the Motion is GRANTED to the extent of the relief requested therein.

BY THE COURT:

Christopher C. Conner
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JENNIFER E. HARRIS,

Plaintiff,

V.

MAUREEN T. PORTLAND,
TIMOTHY M. CURLEY, and
THE PENNSYLVANIA STATE
UNIVERSITY,

Defendants.

Case No. 1:05-CV-2648

Judge Conner

Complaint filed: 12/21/05

Electronically Filed

CERTIFICATE OF NON-CONCURRENCE

I, James M. Horne, hereby certify that counsel for the Plaintiff was contacted regarding Plaintiff's possible concurrence with Defendants Timothy M. Curley and The Pennsylvania State University's Motion to Dismiss. In response, counsel for Plaintiff indicated non-concurrence with this Motion.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: January 26, 2006

By: s/James M. Horne
James M. Horne, Esquire
Pa. I.D. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendants
Penn State and Timothy Curley

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JENNIFER E. HARRIS,

Plaintiff,

v.

MAUREEN T. PORTLAND,
TIMOTHY M. CURLEY, and
THE PENNSYLVANIA STATE
UNIVERSITY,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Case No. 1:05-CV-2648

Judge Conner

Complaint filed: 12/21/05

Electronically Filed

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendants' Timothy M. Curley and The Pennsylvania State University's Motion to Dismiss in the above-captioned matter was served on this, the 26th day of January, 2006, to the attorneys/parties of record as follows:

Sharon F. McKee, Esquire
Shanon Levin Lehman, Esquire
Hangley, Aronchick, Segal & Pudlin
30 North Third Street, Suite 700
Harrisburg, PA 17101
(717) 364-1030

Jack M. Stover, Esquire
Buchanan Ingersoll, PC
213 Market Street, 3rd Floor
P.O. Box 120023
Harrisburg, PA 17108
(717) 237-4800

Of Counsel:

Shannon Minter, Esquire
National Center for Lesbian Rights
1325 Massachusetts Ave., NW,
Suite 600
Washington, DC 20005
(202) 737-0012

Karen M. Doering, Esquire
Regional Counsel
National Center for Lesbian Rights
3170 Third Avenue, North
St. Petersburg, FL 33713
(727) 490-4260

Attorneys for Plaintiff

Of Counsel:

Mark R. Hornak, Esquire
David J. Porter, Esquire
Buchanan Ingersoll, P.C.
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219
(412) 562-8800

Attorneys for Defendant
Maureen T. Portland

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: s/James M. Horne

James M. Horne, Esquire
Pa. I.D. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendants
Penn State and Timothy Curley